

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

19-CR-227-JLS

PETER GERACE, JR., and
JOSEPH BONGIOVANNI,

Defendants.

MOTION TO SEAL GOVERNMENT'S RESPONSE TO DEFENDANTS'
SUPPLEMENTAL MOTION FILED AT DOCKET 265 SEEKING TO OBTAIN
DISCLOSURE OF GRAND JURY EVIDENCE AND INSTRUCTIONS

THE UNITED STATES OF AMERICA, by and through Trini E. Ross, United States Attorney for the Western District of New York, and Joseph M. Tripi, Assistant United States Attorney, hereby submits this motion to seal the Government's Response to the Defendant's Supplemental Motion to Obtain Disclosure of Grand Jury Evidence and Instruction. This motion is based on the accompanying Affidavit of Joseph M. Tripi, Assistant United States Attorney.

DATED: Buffalo, New York, April 20, 2022.

TRINI E. ROSS
United States Attorney

BY: s/JOSEPH M. TRIPI
Assistant United States Attorney
United States Attorney's Office
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138 Delaware Avenue
Buffalo, New York 14202
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UNITED STATES OF AMERICA,

v.

19-CR-227

PETER GERACE, JR., and
JOSEPH BONGIOVANNI,

Defendants.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

JOSEPH M. TRIPI, being duly sworn, deposes and states:

1. I am an Assistant U.S. Attorney for the Western District of New York and am assigned to the prosecution of above-captioned case. This affidavit is made in support of the government's motion to seal the government's response to the defendants' joint supplemental motion to obtain disclosure of grand jury evidence and instructions. See Doc. No. 265.

2. On March 9, 2022, Counsel for the defendants filed a joint supplemental motion to obtain disclosure of grand jury evidence and instructions. See Doc. No. 265. After reviewing the defense filing, the government moved to seal the defense filing because it contained summarized grand jury testimony. See Doc. No. 267. On April 14, 2022, the

Court granted the government motion to seal the defense filing. See Text Order, Doc. No. 270.

3. The government respectfully requests that its response in opposition to the defendants' supplemental motion, filed at Docket 265, be filed under seal because the government's response will contain references to the grand jury, and will summarize portions of grand jury testimony.

WHEREFORE, for the foregoing reasons, the government respectfully requests that the Court grant the government's motion to seal its response in opposition to defendant's supplemental motion filed at Docket 265.

DATED: Buffalo, New York, April 20, 2022.

TRINI E. ROSS
United States Attorney

BY: s/JOSEPH M. TRIPI
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
(716) 843-5839
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Sworn to before me this 20th
day of April, 2022.

s/ELIZABETH HARF, Commissioner of Deeds
In and for the City of Buffalo, New York.
My Commission Expires Dec. 31, 2022